

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

JOHN D. BLACK) CASE NO. 5:10CV0367
)
Plaintiff,)
)
)
vs.)
)
STATE OF NEW JERSEY, *et al.*,) JUDGE SARA LIOI
)
)
Defendants.) OPINION AND ORDER
)
)

On March 3, 2010, this Court dismissed *pro se* Plaintiff John D. Black's complaint on the basis of the doctrine of *res judicata* as he had previously filed similar actions in New Jersey and North Carolina. This matter is now before the Court upon Plaintiff's Motion for Refund of the \$350.00 filing fee asserting that he is living on social security. (Doc. No. 10.)

A filing fee is required to cover the costs of opening and docketing a case. In addition, it serves to control the filing of frivolous actions. *Capograsso v. State Farm Ins. Co.*, 2009 WL 2580432, at *1 (D. N. J., Aug. 18, 2009). A plaintiff is not guaranteed a trial just because a filing fee is paid. Plaintiff filed an action under the same facts in three different locations looking for a favorable forum. He cannot receive a refund because he was unsuccessful.

Accordingly, Plaintiff's Motion for Refund is **DENIED**.

IT IS SO ORDERED.

Dated: April 13, 2010



HONORABLE SARA LIOI
UNITED STATES DISTRICT JUDGE